

MULTIMEDIA



UNIVERSITY

STUDENT ID NUMBER

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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2016/2017

UMY1622 MALAYSIAN LEGAL SYSTEM II

(All Sections/ Groups)

09 MARCH 2017

Reading Time: 2.30 pm - 2.45 pm
(15 Minutes)

Answering Time: 2.45 pm – 5.45 pm
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 2 pages with 5 Questions only.
3. Attempt **FOUR** out of **FIVE** questions. All questions carry equal marks and the distribution of the marks for each question is given.
4. Students are allowed to bring into Examination Hall **CLEAN** and **ORIGINAL** copy of:
 - i. Courts of Judicature Act 1964
 - ii. Federal Constitution of Malaysia
 - iii. Criminal Procedure Code
5. Please write all your answers in the Answer Booklet provided.

QUESTION 1

One of the significant Federal Constitution amendments in 1988 was the inclusion of new clause (1A) into Article 121 that stated: "The courts referred to in Clause (1) shall have no jurisdiction in respect of any matter within the jurisdiction of the Syariah courts."

Discuss the conflicts arising from this amendment; your answer should be illustrated with relevant law cases.

(Total: 25 Marks)

QUESTION 2

Outline the procedure in a civil action in the High Court at the pre-trial stage.

(Total: 25 Marks)

QUESTION 3

- a) Arman has recently been dismissed by his employer without any prior notice. However, Arman does not have the financial power to hire a legal representation.

Discuss the eligibility of Arman for Legal Aid from Jabatan Bantuan Guaman (JBG).

(10 Marks)

- b) Discuss the procedure for application of legal aid from Jabatan Bantuan Guaman in Criminal and Civil Proceeding.

(15 Marks)

(Total: 25 Marks)

Continued...

QUESTION 4

- a) While walking around MMU Melaka one evening, a man suddenly ran past Russell and he heard a woman screaming "Help please! Snatch thief!" Russell sprang into action and tackled the man and subdued him. He proceeded to handcuff the man and brought him to the police station.

Discuss the validity of Russell's action.

(10 marks)

- b) The accused is presumed innocent until proven guilty at the trial. As a general rule, the accused may apply for bail after being charged but before the trial. Discuss.

(15 Marks)

(Total: 25 marks)

QUESTION 5

The Attorney General is said to be one of the most powerful people in Malaysia. There have always been constant calls to separate the duties of Attorney General and Public Prosecutor, and that the relevant provisions of the Federal Constitution should be amended so that the Attorney General can be made answerable to the parliament.

Discuss the statement above

(Total: 25 marks)

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